

### REMARKS

1. An Office Action requiring Applicants to elect a single invention for prosecution on the merits was mailed March 5, 2009. Claims 1-37 were last presented for examination. By the foregoing Amendments, no claims have been amended, added or cancelled. Thus, upon entry of this paper, claims 1-37 will remain pending in this application. Of these thirty-seven (37) claims, five (5) claims (claims 1, 22, 37, 41 and 42) are independent claims. In response to the Election/Restriction Requirement, Applicants submit this Response to Election/Restriction Requirement.

#### *Election/Restriction*

2. The Examiner has required the election of a single invention for prosecution on the merits. The Examiner alleged that the originally filed claims are directed to the following five (5) patentably distinct inventions:

- I.* Claims 1-11 and 19-23 drawn to tissue stimulating device;
- II.* Claim 12, drawn to an eyepiece;
- III.* Claims 13-14, drawn to a tissue stimulating device with two configurations;
- IV.* Claims 15-18 and 24-25, drawn to a cochlear electrode assembly;
- V.* Claim 26, drawn to a cochlear electrode assembly; and
- VI.* Claims 27-37, drawn to a visual inspection probe.

3. In accordance with 37 CFR § 1.143 and MPEP 818.03(b), Applicants hereby elect, without traverse, the claims of Group I, namely, claims 1-11 and 19-23.

4. Applicants do not intend to dedicate non-elected claims to the public and reserve the right to file divisional applications for the subject matter covered by the non-elected claims.

5. The inventorship for the invention of the elected claims is the same as the inventorship of record in this application.

*Conclusion*

6. In view of the foregoing, it is respectfully submitted that this application is in condition for allowance and favorable action is respectfully solicited.

Dated: April 6, 2009

Respectfully submitted,

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